

**Appendix K**

**Revised: 8/7/2012**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
Tyler DIVISION  
APPLICATION TO APPEAR PRO TEMPORE

**APPROVED**

**By PBell at 11:47 am, Jan 08, 2013**

1. This application is being made for the following: Case # 6:12-CV-576 (consol. w/6:12-cv-499)

Style/Parties: Blue Spike LLC v. Audible Magic et al.

2. Applicant is representing the following party/ies: Defendant TuneCore, Inc.

3. Applicant was admitted to practice in California (state) on 12/21/1977 (date).

4. Applicant is in good standing and is otherwise eligible to practice law before this court.

5. Applicant is not currently suspended or disbarred in any other court.

6. Applicant  has  has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.

7. Applicant  has  has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.

8. Applicant  has  has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.

9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses.

10. There are no pending grievances or criminal matters pending against the applicant.

11. Applicant has been admitted to practice in the following courts:

USDC, Northern District of CA; USDC, Eastern District of Michigan

12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."

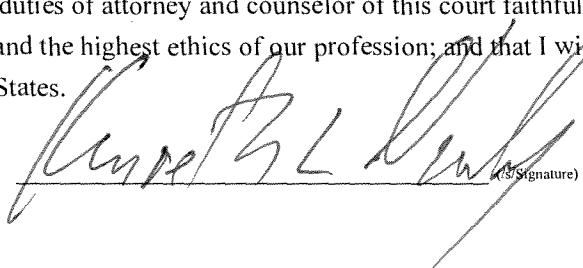
13. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

**Application Oath:**

I, Kenneth L. Nissly do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date 01/07/2013

Signature



Kenneth L. Nissly  
(Signature)

Application Continued on Page 2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
APPLICATION TO APPEAR PRO HAC VICE (Continued)

Name (please print) Kenneth L. Nissly  
Bar Number /State 77589/California  
Firm Name: O'Melveny & Myers LLP  
Address/P.O. Box: 2765 Sand Hill Road  
City/State/Zip: Menlo Park, CA 94025  
Telephone #: (650) 473-2674  
Fax #: (650) 473-2601  
E-mail Address: knissly@omm.com  
Secondary E-Mail Address: \_\_\_\_\_

This application has been approved for the court on: 1/8/13

David J. Maland, Clerk  
U.S. District Court, Eastern District of Texas

By Petonia Bell  
Deputy Clerk

**Signature Instructions**

Complete page 1 and 2 of this application and email to [pro hac vice@edoc.txd.uscourts.gov](mailto:pro hac vice@edoc.txd.uscourts.gov) for approval. Once approved, the clerk will email to you your new login and password so that you will be able to electronically file your application and pay the filing fee on line. If you already have a login and password, you will still need to send the approval email from the "log in" screen since your electronic application "log in" information has changed. Please visit the website <http://www.edoc.txd.uscourts.gov/>

**Email Application**